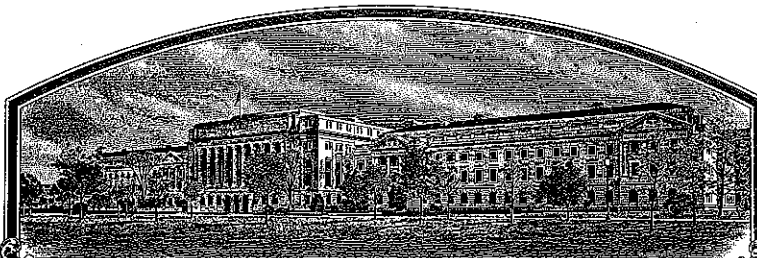


No.

200300228



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

PLANT VARIETY PROTECTION

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

COTTON

'FIBERMAX 5024 BXN'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fourteenth day of February, in the year two thousand and six.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICEAPPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER BAYER CROPSCIENCE		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME BXN 1	3. VARIETY NAME FIBERMAX 5024 BXN
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) ROUTE 1, BOX 152 LUBBOCK, TX 79401		5. TELEPHONE (include area code) 806-762-6021	FOR OFFICIAL USE ONLY PVPO NUMBER 200300228
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) CORPORATION		8. IF INCORPORATED, GIVE STATE OF INCORPORATION	9. DATE OF INCORPORATION 4/28/2003
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) MR. DAVID BECKER ROUTE 1, BOX 152 LUBBOCK, TX 79401			FILING AND EXAMINATION FEES: \$ 3,652.00 DATE 4/28/2003 CERTIFICATION FEE: \$ 768.00 DATE 1/24/06
11. TELEPHONE (include area code) 806-762-6021	12. FAX (include area code) 806-763-2564	13. E-MAIL DAVID.BECKER@BAYERCROPSCIENCE.COM	14. CROP KIND (Common Name) COTTON
15. GENUS AND SPECIES NAME OF CROP Gossypium hirsutum		16. FAMILY NAME (Botanical) MALVACEAE	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act <input checked="" type="checkbox"/> YES (If "yes", answer Items 20 and 21 below) <input type="checkbox"/> NO (If "no", go to Item 22)	
		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED	
		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED NUMBER 1,2,3, etc. (If additional explanation is necessary, please use the space indicated on the reverse.)	
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER Mike Gilbert		SIGNATURE OF OWNER	
NAME (Please print or type) MIKE GILBERT		NAME (Please print or type)	
CAPACITY OR TITLE GM, Bayer CropScience	DATE 4-24-03	CAPACITY OR TITLE	DATE

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,705 (\$320 filing fee and \$2,385 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$320 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (seed of this variety be sold by variety name only, as a class of certified seed), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

MAY 20, 2002 USA

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

SEE SUPPLEMENT, ATTACHED

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705. Telephone: (301) 504-8089. <http://www.ams.usda.gov/lsg/seed/ts-sd.htm>

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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SAT-470 (04-01) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (02-99) which is obsolete.

200300228

Section 23 supplement

The construct giving resistance to Buctril was developed under U.S. patent numbers 5004863 granted April 2, 1991 and 5159135 granted October 27, 1992. The event, 10222, was registered by Calgene under APHIS petition # P93-196-01.

Exhibit A**FiberMax 5024BXN Origin and Breeding History**

FiberMax 5024BXN was developed primarily by Stoneville Pedigreed Seed Company under a cooperative arrangement with SEEDCO, a company operating in Lubbock, Texas until it was purchased by AgrEvo in late 1999. Under this agreement, SEEDCO furnished seed of two Texas High Plains adapted varieties (SC9023 and SC9219) to Stoneville who agreed to incorporate the Buctril resistant gene with this germplasm with the intent of developing Buctril resistant cotton varieties for the Texas High Plains.

Numerous experimental cotton varieties were developed and tested on a preliminary basis by Stoneville in the late 1990s. Early in 2000, Stoneville and Aventis developed a license whereby Aventis CropScience would be licensed to evaluate and possibly commercialize any of the experimental lines that had been developed through the above activities.

The experimental line coded BXN 1 by the Aventis breeding program in Lubbock was tested by Aventis in 2000, along with numerous other similar lines, with the test results supporting the eventual release of this line as FiberMax 5024BXN.

The experimental line, BXN 1, resulted from a cross of SC9219 with Stoneville BXN 47 with three subsequent backcrosses to SC 9219. SC 9219 was an experimental line that was developed by SEEDCO and was not commercialized. It resulted from a cross of Paymaster HS 26 and a variety designated "M1" that was sold by Southland Seed and Delinting of Slaton, Texas. "M1" resulted from a cross of Paymaster 266 (line B9-24-2) and an experimental Deltapine variety designated DP 6434-58-61 which was a selection from the variety earlier commercialized as Deltapine SR-5.

Comparative data of SC 9219 and FiberMax 5024 is not available since the relative comparisons were made between widely grown commercial checks rather than the recurrent parent, SC 9219, which was discontinued from testing programs when it was determined that the variety was not worthy of commercialization.

FiberMax 5024BXN has been stable and uniform as evidenced in replicated trials (at least 6 per year) over the period 2000, 2001 and 2002; data shown in Exhibit D. The variety has also proven to be stable and uniform throughout the seed increase stages during the same years. The variety has been observed over four generations: 2000 summer, winter of 2000-2001, summer of 2001 and summer of 2002.

The only variant observed in the variety is pollen color. As is indicated in Exhibit C, 96 percent of the plants exhibit yellow pollen whereas 4 percent of the plants have cream pollen.

No off types have been observed in FiberMax 5024BXN during the testing or increases stages.

Exhibit B**Statement of Distinctness**

FiberMax 5024BXN is most similar to Paymaster HS 26 but is distinct from Paymaster HS 26 and all other cotton varieties in that it is the only storm resistant stripper cotton variety that is resistant to the chemical bromoxynil, marketed under the herbicide name of Buctril. Fibermax 5024BXN is resistant to the chemical bromoxynil, whereas Paymaster HS 26 is susceptible to bromoxynil. Other cotton varieties previously marketed in the United States that are resistant to bromoxynil are distinctly more open boll. The variety can be readily distinguished from other conventional and transgenic varieties by spraying the plants with Buctril and noting that it is not affected by the treatment while others are distinctly damaged or killed.

Since the above qualitative traits clearly indicate that FiberMax 5024BXN is distinct from other varieties, no quantitative data is being submitted.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

200300228

Form Approved - OMB No. 0551-0055

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0551-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(COTTON)

Replaced by
JRM 12/14/00

OBJECTIVE DESCRIPTION OF VARIETY
COTTON (*Gossypium* spp.)

NAME OF APPLICANT(S)	TEMPORARY DESIGNATION	VARIETY NAME
BAYER CROP SCIENCE	BXN 1	FIBERMAX 5024 BXN
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)	FOR OFFICIAL USE ONLY	
ROUTE 1, Box 152 6508 East Fm 40 Lubbock, TX 79401 Lubbock TX 79403	PVPO NUMBER 200300228	

Place the appropriate data that describes the varietal characteristics of this variety in the space provided. Characteristics described, including numerical measurements, should represent those that are typical for the variety. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characters marked with an asterisk * indicate necessary characters to be measured.

SPECIFIC VARIETIES USED FOR COMPARISON AS CHECK VARIETIES IN THIS APPLICATION: Use standard regional check varieties which are adapted to your area. One of the comparison varieties must be the most similar variety used in Exhibit B.

Variety 1. PAYMASTER HS 26 Variety 2. _____ Variety 3. _____

*1. SPECIES:

☒ G. hirsutum L. ☐ G. barbadense L.

*2. AREA(S) OF ADAPTATION: (A = Adapted, NA = Not Adapted, NT = Not Tested)

<u>NT</u> Eastern <u>A</u> Plains Other (Specify): _____	<u>NT</u> Delta <u>NT</u> Western	<u>NT</u> Central <u>NT</u> Arizona	<u>NT</u> Blacklands <u>NT</u> San Joaquin
--	--------------------------------------	--	---

3. GENERAL: Characteristics which are known to be variable but are still useful for a meaningful description of the variety.

	Application Variety	Comparison Variety 1	Comparison Variety 2	Comparison Variety 3
Plant Habit: Spreading, Intermediate, Compact	<u>INT</u>	<u>INT</u>		
Foliage: Sparse, Intermediate, Dense	<u>INT</u>	<u>INT</u>		
Stem Lodging: Lodging, Intermediate, Erect	<u>ERECT</u>	<u>ERECT</u>		
Fruiting Branch: Clustered, Short, Normal	<u>NORMAL</u>	<u>NORMAL</u>		

3. GENERAL: (continued)

200300228

Replaced by
JRM 12/6/04

Growth:

Determinate, Intermediate,
Indeterminate

INT

INT

Leaf Color:

Greenish yellow, Light green,
Medium green, Dark green

MED

MED

Boll Shape: Length less than width,

Length equal to width,

Length more than width

LEN < WIDTH

LEN < WIDTH

Boll Breadth: Broadest at base,

Broadest at middle

MIDDLE

MIDDLE

*4. MATURITY: (50 % Open bolls; Preferred method; Describe method if different method was used.)

Date of 50 % open bolls

5. PLANT:

Cm to 1st Fruiting Branch:

(from cotyledonary node)

12.20

13.20

No. of Nodes to 1st Fruiting Branch:

(excluding cotyledonary node)

4.12

4.74

Mature Plant Height cm:

(from cotyledonary node to terminal)

66.5

65.5

*6. LEAF: Upper most, fully expanded leaf.

Type: Normal, Sub Okra,
Okra, Super Okra

NORMAL

NORMAL

Pubescence: Absent, Sparse,
Medium, Dense OR Trichomes/cm²
(Bottom surface excluding veins)

MED

MED-DENSE

Nectaries: Present or Absent

PRESENT

PRESENT

*7. STEM PUBESCENCE:

Glabrous, Intermediate, Hairy

INT

INT

*8. GLANDS: (Gossypol) Absent, Sparse, Normal, More Than Normal

Leaf:

NORMAL

NORMAL

Stem:

NORMAL

NORMAL

Calyx Lobe: (normal is absent)

NORMAL

NORMAL

*9. FLOWER:

Petals: Cream, Yellow

100

Pollen: Cream, Yellow

4, 96

56 44

Petal Spot: Present, Absent

ABS

ABS

Seed Index:

(g/100 seeds, fuzzy basis)

10.35

N/A

Lint Index:

(g lint/100 seeds)

6.42

N/A

*11. BOLL:

Lint Percent:

STRIPPED

Picked

Picked

37.9 25.8

37.6 25.7

OR

Gin Turnout:

Picked

Stripped

Number of Seeds per Boll

28.65

N/A

Grams Seed Cotton per Boll

4.95

N/A

Number of Locules per Boll

4.41

4.69

Boll Type:

(Stormproof, Storm Resistant, Open)

SP

SP

12. FIBER PROPERTIES:

Specify Method (HVI or other):

HVI

* Length: (inches, 2.5% SL)

1.06

1.05

* Uniformity: (%)

* Strength, T1 (g/tex)

29.5

30.1

* Elongation, E1 (%)

* Micronaire:

4.2

4.3

Fineness (Source _____)

Yarn Tenacity: (cN/tex, 27 tex)

Yarn Strength: (lbs. 22's)

13. DISEASES: (NT = Not Tested, S = Susceptible, MS = Moderately Susceptible, MR = Moderately Resistant, R = Resistant)

NT *Alternaria macrospora*

NT Fusarium Wilt

NT Anthracnose

NT Phymatotrichum Root Rot

NT Ascochyta Blight

NT *Pythium* (specify species)

NT Bacterial Blight (Race 1)

NT *Rhizoctonia solani*

NT Bacterial Blight (Race 2)

NT Southwestern Cotton Rust

S Bacterial Blight (Race 18)

NT *Thielaviopsis basicola*

13. DISEASES : (continued)

NT Diplodia Boll RotNT Verticillium Wilt

____ Other (specify) _____

14. NEMATODES, INSECTS AND PESTS: (NT = Not Tested, S = Susceptible, MS = Moderately Susceptible, MR = Moderately Resistant, R = Resistant)

NT Root-Knot NematodeNT Reniform NematodeNT Boll WeevilNT Grasshopper (specify species): _____NT BollwormNT Lygus (specify species): _____NT Cotton AphidNT Pink BollwormNT Cotton FleahopperNT Spider Mite (specify species): _____NT Cotton LeafwormNT Stink Bug (specify species): _____NT Cutworm (specify species): _____NT Thrips (specify species): _____NT Fall ArmywormNT Tobacco Bud Worm

____ Other (specify): _____

15. COMMENTS: Present any additional information that cannot adequately be described in 1 through 13 which significantly distinguishes variety.

MORE THAN 98 PERCENT OF THE PLANTS ARE RESISTANT
TO THE HERBICIDE BUTRIL. POLLEN IS MOSTLY YELLOW (96%)
AND BOLLS ARE STORM PROOF.

Exhibit D

FM 5024BXN vs HS 26

YR	Location	Test	Entry #	Yield	Rank	GTO	Int %	Visual	SP	Maturity	Plant Ht.	Length	Strength	Mic
				BXN1 HS 26	BXN1 HS 26	BXN1 HS 26	BXN1 HS 26	BXN1 HS 26	BXN1 HS 26	BXN1 HS 26	BXN1 HS 26	BXN1 HS 26	BXN1 HS 26	BXN1 HS 26
00	LBB-IRR	ADV	43	561	21	25.4	37.1	5.0	7.0	36.8	22.0	1.06	28.9	4.0
00	LBB-DRY	ADV	43	371	17	26.2	38.1	6.0	7.0	31.8	23.0	1.05	27.5	4.2
00	CC	ADV	43	486	15	23.5	36.0	5.8	7.0	45.2	21.4	0.99	27.8	3.6
00	INA	ADV	43	251	15	24.2	37.3	6.1	5.9		19.9	0.99	25.5	3.6
00	AKEN	ADV	43	809	11	20.9	35.3	7.0	6.3		20.6	1.00	26.6	4.0
00	TT	ADV	43	630	18	23.2	35.2	5.9	6.7		24.3	1.11	27.0	2.8
01	LBB-IRR	ADV	44	1398	8	26.0	36.6	6.3	6.7	52.8	28.7	1.09	28.9	3.4
01	LBB-DRY	ADV	44	473	13	23.2	39.4	6.0	5.7	76.7	24.7	1.09	29.8	4.9
01	CC	ADV	44	661	25	25.2	39.0	6.3	5.0	50.0	16.0	0.99	28.7	5.0
01	INA	ADV	44	551	21	26.2	37.7	7.3	6.7		18.3	1.11	30.8	4.4
01	TT	ADV	44	856	18	24.8	36.7	5.7	8.0	18.3	19.7	0.96	28.5	4.3
01	LAM	ADV	44	1372	11	25.7	37.5	6.0	7.0	50.0	25.7	1.11	30.3	5.1
02	LBB-IRR	ADV	17	1688	5	28.0	37.2	6.7	5.7		31.3	1.10	31.6	4.8
02	LBB-DRY	ADV	17	529	17	28.2	37.2	6.3	6.7	43.3	35.7	1.11	30.3	5.2
02	INA	ADV	17	1158	6	29.4	39.6	7.0	7.3		29.7	1.09	30.3	4.6
02	LAM	ADV	17	1587	33	27.1	38.3	6.3	7.0	26.7	38.0	1.08	32.1	4.3
02	SGR	ADV	17	858	23	24.8	36.1	7.3	8.0		42.7	1.11	29.8	4.4
02	MUL	ADV	17	1622	24	26.3	38.4	6.3	6.7	28.3	24.7	1.03	33.0	3.7
02	AKEN	ADV	17	708	21	27.3	39.1	5.3	6.3	26.7	26.3	1.14	30.3	3.3
02	INA	LBC2	11	1096	9	27.4	38.8	6.0	7.7	23.3	22.0	1.05	31.8	3.8
02	CLK	LBC2	11	1050	7	28.5	41.2	7.3	6.0	45.0	39.0	1.03	31.5	4.5
				8912		25.7	37.9	6.3	6.9	38.2	26.2	1.06	29.5	4.2
				856.8		25.7	37.6	6.1	6.2	41.4	25.8	1.05	30.1	4.3
				104.0										

Percentage of HS 26

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) BAYER CROP SCIENCE	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER BXN 1	3. VARIETY NAME FIBERMAX 5024 BXN
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) ROUTE 1, BOX 152 LUBBOCK, TX 79401	5. TELEPHONE (include area code) 806-762-6021	6. FAX (include area code) 806-763-2564
7. PVPO NUMBER 200300228		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO
9. Is the applicant (individual or company) a U.S. national or U.S. based company? ☐ YES ☒ NO
If no, give name of country GERMANY BUT WITH U.S. LOCATIONS
10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:
- a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?
☐ YES ☐ NO If no, give name of country
- b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?
☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use reverse for extra space):

THIS VARIETY WAS TESTED AND RECOMMENDED BY THE
LUBBOCK TEXAS BASED BAYER CROSCIENCE BREEDING PROGRAM**PLEASE NOTE:**

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

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